

The Mauthausen Trial: A Disgrace to American Justice

[John Wear](#)

The Mauthausen trial began on March 29, 1946 and ended on May 13, 1946. It was among the biggest and most-important of the Dachau trials, proceeding against 61 defendants, including camp personnel, prisoner functionaries and civilian workers. The Mauthausen trial is noteworthy in that it produced more death sentences than any other trial in American history.^[1]

This article will document the extreme unfairness and injustice of the Mauthausen trial.

Prosecution Witnesses

Chief prosecutor Lt. Col. William D. Denson argued that simply serving in any capacity at Mauthausen or any of its sub-camps constituted a war crime. Denson contended that Mauthausen was a “Class III extermination camp” with a common design to torture and kill its prisoners. Denson implied that any defendant who had served at Mauthausen was guilty unless proven innocent.^[2]

The prosecution’s first witness, U.S. Navy Lt. Jack Taylor, had been a prisoner in Mauthausen beginning April 1, 1945. Taylor testified that his first job in Mauthausen was setting tile in the new crematorium. When asked if he had any judgement as to the number that died daily by violent means, Taylor replied: “Only that the regular procedure for the gas chamber was twice a day, 120 at a time. I would say that the new crematorium increased the facilities to 250 a day.”^[3]

When asked to describe the gas chamber, Taylor replied: “It was rigged up like a shower room with shower nozzles in the ceiling. New prisoners thought they were going in to have their bath. They were stripped and put in this room naked. Then gas came out of the shower nozzles.” Jack Taylor further testified that prussic acid was the gas used to kill inmates in Mauthausen.^[4]

William Denson conducted the pretrial investigation of Eduard Krebsbach, the chief doctor at Mauthausen. Krebsbach told Denson that he was ordered to kill “all those unable to work or hopelessly sick.” When Denson asked how he carried out his order, Krebsbach replied: “As far as the hopelessly sick were concerned or those absolutely unfit for work, most of them were gassed. Some of them were killed through gasoline injections.”^[5]

Wilhelm Ornstein, a Polish inmate assigned to the crematory in Mauthausen, also testified that there was a gas chamber at Mauthausen as described by Jack Taylor. Ornstein described other means of executing inmates, including so-called neck shots and hangings.^[6]

These eyewitness statements that prussic acid was streamed through shower heads into homicidal gas chambers at Mauthausen are not credible. Germar Rudolf writes:

Zyklon B consists of the active ingredient, hydrogen cyanide, adsorbed on a solid carrier material (gypsum) and only released gradually. Since it was neither a liquid nor a gas under pressure, the hydrogen cyanide from this product could never have traveled through narrow water pipes and shower heads. Possible showers, or fake shower heads, could therefore only have been used to deceive the victims; they could never have been used for the introduction of this poison gas. There is general unanimity as to this point, no matter what else might be in dispute.^[7]

Historian Tomaz Jardim writes that “Mauthausen had the infamous distinction of containing the last gas chamber to function during the Second World War.”[\[8\]](#) However, even many Jewish historians have acknowledged that Mauthausen never had a homicidal gas chamber.[\[9\]](#)

False Witness Testimony

False witnesses were used at most of the American-run war-crimes trials. Stephen F. Pinter served as a U.S. Army prosecuting attorney at the American-run trials of Germans at Dachau. In a 1960 affidavit, Pinter said that “notoriously perjured witnesses” were used to charge Germans with false and unfounded crimes. Pinter stated, “Unfortunately, as a result of these miscarriages of justice, many innocent persons were convicted and some were executed.”[\[10\]](#)

Joseph Halow, a young U.S. court reporter at the Dachau trials in 1947, later described some of the false witnesses at the Dachau trials:

[T]he major portion of the witnesses for the prosecution in the concentration-camp cases were what came to be known as “professional witnesses,” and everyone working at Dachau regarded them as such. “Professional,” since they were paid for each day they testified. In addition, they were provided free housing and food, at a time when these were often difficult to come by in Germany. Some of them stayed in Dachau for months, testifying in every one of the concentration-camp cases. In other words, these witnesses made their living testifying for the prosecution. Usually, they were former inmates from the camps, and their strong hatred of the Germans should, at the very least, have called their testimony into question.[\[11\]](#)

The use of false witnesses has been acknowledged by Johann Neuhäusler, who was an ecclesiastical resistance fighter interned in two German concentration camps from 1941 to 1945. Neuhäusler stated that in some of the American-run trials “many of the witnesses, perhaps 90%, were paid professional witnesses with criminal records ranging from robbery to homosexuality.”[\[12\]](#)

In regard to the Mauthausen trial, numerous prosecution witnesses used hearsay evidence to convict the defendants. The court consistently rejected attempts by defense counsel to have such testimony stricken from the record. Tomaz Jardim writes:

Mass atrocities, the prosecution showed, were seldom committed in clear view of other prisoners, but were perpetrated rather in selected areas of the camp and especially in the basement of the bunker. Testimony of the sort [prosecution witness] Marsalek gave, though not in conformity with commonly applied rules of evidence, was therefore the best the court could hope for. As guidelines set out for the courts at Dachau made clear, accepting such evidence was well within the purview of military judges.[\[13\]](#)

Forced Confessions

Benjamin Ferencz, a Harvard-educated attorney, was one of the first American war-crimes investigators to enter Mauthausen. Ferencz was drawn to war-crimes work and to the “action” to be found in the liberated camps. He had no qualms both humiliating and threatening the lives of those he interrogated in order to get forced confessions.[\[14\]](#)

Ferencz relates a story concerning his interrogation of an SS colonel in which he unholstered his pistol in order to intimidate him:

What do you do when he thinks he's still in charge? I've got to show him that I'm in charge. All I've got to do is squeeze the trigger and mark it as auf der Flucht erschossen [shot while trying to escape]...I said "you are in a filthy uniform sir, take it off!" I stripped him naked and threw his clothes out the window. He stood there naked for half an hour, covering his balls with his hands, not looking nearly like the SS officer he was reported to be. Then I said "now listen, you and I are gonna have an understanding right now. I am a Jew—I would love to kill you and mark you down as auf der Flucht erschossen, but I'm gonna do what you would never do. You are gonna sit down and write out exactly what happened—when you entered the camp, who was there, how many died, why they died, everything else about it. Or, you don't have to do that—you are under no obligation—you can write a note of five lines to your wife, and I will try to deliver it..." [Ferencz gets the desired statement and continues:] I then went to someone outside and said "Major, I got this affidavit, but I'm not gonna use it—it is a coerced confession. I want you to go in, be nice to him, and have him re-write it." The second one seemed to be okay—I told him to keep the second one and destroy the first one. That was it. [15]

Jardim writes: "The fact that Ferencz threatened and humiliated his subject and then reported as much to his superior officer is instructive. While one cannot assume that other war crimes investigators used similar interrogation methods as Ferencz, it does point to the existence of a culture in which such methods were deemed acceptable." [16]

U.S. Lt. Paul Guth used cleverer means to obtain signed statements from the Mauthausen defendants. Guth employed to stunning effect techniques he had learned while training both at Camp Ritchie in Maryland and the 21st Army Group Intelligence Center in Divizes, England. Rather than intimidate, Guth often used flattery or the promise of better treatment to obtain written confessions from the defendants. As Guth later explained "...The prospect of clemency is a powerful inducement." [17]

Jardim writes: "Though the methods used to extract confessions from all of those brought before military commission courts at Dachau would later cause considerable scandal in Washington, the statements of the Mauthausen defendants would be thrust to the fore by Denson and his team....[T]hese signed confessions had a major impact on the proceedings at Dachau and would contribute significantly to the conviction of the accused." [18]

Defense Witnesses

Defense witnesses repeatedly testified to improper interrogation techniques used by the prosecution. Defendant Viktor Zoller, the former adjutant to Mauthausen Commandant Franz Ziereis, testified that Paul Guth said, "I received special permission and can have you shot immediately if I want to." When Zoller refused to sign a confession, Guth acted as if he was going to shoot Zoller. Zoller still refused to sign the confession and wrote: "I won't say another word even though the court might think I am a criminal who refused to talk." [19]

Defendant Georg Goessl testified that Guth told him to add the words "and were injected by myself" to his statement. If Goessl did not write down what Guth dictated, Guth visually demonstrated to Goessl that he would be hanged. Goessl testified that he then signed the false statement and planned to clear up the matter in court. [20]

Defendant Willy Frey testified that the prosecution witnesses had never seen him before and wouldn't be able to identify him if he didn't have a sign bearing a number hanging around his neck. Frey testified

that he had been severely beaten in Mossburg by an American officer. Frey signed his confession only because he was afraid he would be beaten again.[\[21\]](#)

Defendant Johannes Grimm testified that he signed a false statement that Lt. Guth had dictated to Dr. Ernst Leiss. When asked why he signed this false statement, Grimm replied: "I already described my mental condition on that day. I had memories of the previous interrogations. My left cheekbone was broken and four of my teeth were knocked out...." Grimm further testified, "The only superior I had to obey was Lt. Guth telling me to write this sentence."[\[22\]](#)

Defense Attorney Lt. Patrick W. McMahon in his closing argument to the court said there was grave doubt that the defendants' statements were freely given. Further, the striking similarity of the language made it obvious the statements contained only language desired by the interrogators. McMahon cited numerous examples in which defendants used similar language to say crimes committed at Mauthausen could not be ascribed to any one leader. In regard to shootings to prevent further escapes, McMahon also cited several examples where similar language was used in the defendants' statements.[\[23\]](#)

McMahon said in his closing argument:

And so it goes with Drabek, Entress, Feigl, with Trauner, Niedermeyer, Haeger, Miessner, Riegler, Zoller, with Blei, with Eckert, with Striegel, with Eigruher, with Eisenhoefer, with Mack and Riegler. Let the court also note the unbelievable accusations that the affiants make against themselves. It is contrary to normal human conduct. People just don't talk that way about themselves. Beyond any doubt, threats and duress were used to induce the signing of the untruthful statements in evidence.[\[24\]](#)

The Verdicts

It took 90 minutes for the seven judges to decide the fate of the 61 defendants in the Mauthausen trial. Major Gen. Fay B. Prickett announced the court's decision:

The court finds that the circumstances, conditions, and the very nature of Mauthausen and its by-camps were of such a criminal nature as to cause every official, governmental, military, and civil, and every employee thereof to be culpably and criminally responsible. The court further finds that it was impossible for a guard or a civilian employee to have been employed in aforesaid concentration camp without having acquired a definite knowledge of the criminal practices and activities therein. The court therefore declares that any official, governmental, military, or civil, whether he be a member of the Waffen SS, Allgemeine SS, or any guard or civil employee of Mauthausen or any of its by-camps, is guilty of a crime against the recognized laws, customs, and practices of civilized nations and the letter and spirit of the laws and usages of war, and by reason thereof is to be punished. As I read the following names, I want the accused to rise.[\[25\]](#)

The Germans in the dock rose one by one as their names were called. Prickett took only 35 seconds to sentence each defendant. Fifty-eight of the 61 German defendants were sentenced by the American military tribunal to be hanged. The other three defendants were sentenced to life imprisonment. Two of the defendants collapsed and had to be helped from the courtroom when they learned they were going to be hanged.[\[26\]](#)

Jardim writes concerning these verdicts: “Given the brevity of deliberations, it is clear that the judges spent no significant amount of time reviewing the evidence, examining legal precedent, or evaluating the issues surrounding the common-design charge that defense counsel had raised. In all likelihood, the judges had begun deliberations with their minds made up.” [27]

Conclusion

Benjamin Ferencz acknowledges the unfairness of the Dachau trials:

I was there for the liberation, as a sergeant in the Third Army, General Patton’s Army, and my task was to collect camp records and witness testimony, which became the basis for prosecutions...But the Dachau trials were utterly contemptible. There was nothing resembling the rule of law. More like court-martials...It was not my idea of a judicial process. I mean, I was a young, idealistic Harvard law graduate. [28]

Ferencz states that nobody including himself protested against such procedures in the Dachau trials. [29]

As with the other trials conducted at Dachau, the Mauthausen trial was a blatant show- and revenge-trial—that is, no trial at all. The use of torture and deception to produce false confessions, lax rules of evidence and procedure, the presumption that defendants were guilty unless proven innocent, American military judges with little or no legal training, obviously false eyewitness testimony, the nonexistence of any appeal, and the nonexistence of any independent reviewing authority ensured the conviction of all the Mauthausen defendants and the execution of most of them.

Notes

[1] Jardim, Tomaz, *The Mauthausen Trial*, Cambridge, Mass.: Harvard University Press, 2012, pp. 1-2, 117, 212.

[2] *Ibid.*, pp. 172, 186.

[3] Greene, Joshua M., *Justice at Dachau: The Trials of an American Prosecutor*, New York: Broadway Books, 2003, pp. 137- 139.

[4] *Ibid.*, p. 139.

[5] *Ibid.*, p. 155.

[6] *Ibid.*, pp. 158-159.

[7] Rudolf, Germar, *The Rudolf Report: Export Report on Chemical and Technical Aspects of the ‘Gas Chambers’ of Auschwitz*, 2nd edition, Washington, D.C.: The Barnes Review, 2011, p. 220.

[8] Jardim, Tomaz, *The Mauthausen Trial*, Cambridge, Mass.: Harvard University Press, 2012, p. 3.

[9] For example, see Bauer, Yehuda, *A History of the Holocaust*, New York: Franklin Watts, 1982, p. 209.

[10] Sworn and notarized statement by Stephen F. Pinter, Feb. 9, 1960. Facsimile in Erich Kern, ed., *Verheimlichte Dokumente*, Munich: 1988, p. 429.

[11] Halow, Joseph, *Innocent at Dachau*, Newport Beach, Cal.: Institute for Historical Review, 1992, p. 61.

[12] Frei, Norbert, *Adenauer's Germany and the Nazi Past: The Politics of Amnesty and Integration*, New York: Columbia University Press, 2002, pp. 110-111.

[13] Jardim, Tomaz, *The Mauthausen Trial*, Cambridge, Mass.: Harvard University Press, 2012, p. 138.

[14] *Ibid.*, pp. 63, 82.

[15] *Ibid.*, pp. 82-83.

[16] *Ibid.*, p. 83.

[17] *Ibid.*, pp. 104-106.

[18] *Ibid.*, pp. 108-109.

[19] Greene, Joshua M., *Justice at Dachau: The Trials of an American Prosecutor*, New York: Broadway Books, 2003, pp. 179-180.

[20] *Ibid.*, pp. 184-187.

[21] *Ibid.*, pp. 201-204.

[22] *Ibid.*, pp. 205-210.

[23] *Ibid.*, p. 218.

[24] *Ibid.*

[25] *Ibid.*, p. 221.

[26] *Ibid.*, pp. 221-223.

[27] Jardim, Tomaz, *The Mauthausen Trial*, Cambridge, Mass.: Harvard University Press, 2012, pp. 180-181.

[28] Stuart, Heikelina Verriijn and Simons, Marlise, *The Prosecutor and the Judge*, Amsterdam: Amsterdam University Press, 2009, p. 17.

[29] *Ibid.*

Author(s):	John Wear
Title:	The Mauthausen Trial: A Disgrace to American Justice
Sources:	

Dates:

published: 2019-11-10, first posted: 2019-11-11 00:49:03

<http://inconvenienthistory.com/11/4/6950>